

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 98 of 2017**

- Shubhang Sharma S/o Shri Sridhar Sharma, Aged About 23 Years R/o Qt. No. 4, Prashanti Marg, Near S B I, New Shanti Nagar, Raipur, Civil & Revenue District Raipur, Chhattisgarh

---- **Petitioner****Versus**

1. Shri Manan Kumar Mishra, Chairman Bar Council Of India, 21 Rouse Avenue Institutional Area, New Delhi 110002
2. Dr. Sukhpal Singh, Vice Chancellor, Hidayatullah National Law University, Upparwara, New Raipur, Chhattisgarh
3. Dr. Deepak Kumar Srivastava, Registrar (In-Charge) And Examination Controller, Hidayatullah National Law University, Upparwara, New Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Ms. Prachi Agrawal, Advocate
For Respondents No.2 & 3:	:	Shri Sumesh Bajaj, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/04/2017**

1. By order passed in WPC No.418 of 2016, this Court directed the Bar Council of India (henceforth 'the BCI') to take decision in respect of allowing one hour extra time to the petitioner for writing examination and awarding 20 grace marks in view of the petitioner's disability as he suffers from learning disability (dyslexia).
2. In compliance of the above said order, the petitioner moved a representation to the BCI, upon which the BCI issued a communication to the University stating that "the Legal Education Committee (for short 'the Committee') has

duly considered the said order and we reiterate that the BCI never had any objection to adoption of any such rule in the interest of physically handicapped students. The Committee reiterates, it has no objection to the directions issued by the High Court in this regard and the BCI was of the same view earlier also as can be seen from the decision taken by the Equivalence Committee as far back as 14th May, 2016.”

3. The petitioner thereafter moved the present contempt petition because neither the University nor the BCI have taken any concrete decision in categorical terms to award 20 grace marks and one hour extra time for writing the examination.
4. Shri Sumesh Bajaj, learned counsel for respondents No. 2 & 3 would submit that the University has already sent a proposal to the BCI vide Annexure R-2/4 on 03rd April, 2017 and Annexure R-2/5 on 10th April, 2017 proposing that the University is ready to allow one hour extra time for writing examination; setting of objective type question papers; granting a maximum of an aggregate of 20 grace marks which can be given in one subject or may be divided in one or more subjects in one semester in each/per semester of the whole B.A. L.L.B. (Honours) Course. It is further submitted that the University has done its best to comply the order passed by this Court, but the University cannot implement the proposal of its own because the BCI being the regulatory body may not grant recognition to the petitioner's degree if the examination pattern adopted unilaterally by the University in respect of the present petitioner violates any of the BCI guidelines.
5. Having heard learned counsel for the parties, in the considered view of this Court, in the earlier communication the BCI has already issued no objection

to any of the measures taken by the University for the benefit of the petitioner, who suffers from learning disability (dyslexia), therefore, the contempt petition is disposed of with a direction that the University shall proceed to implement the proposal in respect of the petitioner and the BCI having already issued NOC shall not raise any objection in respect of the petitioner's B.A. L.L.B. (Honours) degree, as granted by the respondent University, by implementing the proposal, if he clears the examination.

Sd/-

Judge

Prashant Kumar Mishra

Ashu